



**United States Department of the Interior
BUREAU OF LAND MANAGEMENT**

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In Reply Refer To:
CACA-56420
3809(P)
LLCAD05000.52

MAR 14 2016

**Decision Record
For
Environmental Assessment DOI-BLM-CA-D050-2016-0006**

It is my decision to authorize the Purple Sage Placer exploration project as described in the proposed action of environmental assessment DOI-BLM-CA-D050-2016-0006. The Finding of No Significant Impact (FONSI) and this decision are contingent on meeting the performance standards required by 43 CFR 3809.420 and the measures/stipulations for implementing those standards found in this assessment.

Description of Proposed Action and BLM-Required Protective Measures

The proposed action is BLM's authorization of a plan to excavate and take placer gold samples from the Purple Sage unpatented placer claim located in the E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14, Township 30 South, Range 36 East, MDM. The action is within the Jawbone-Butterbrecht Area of Critical Environmental Concern, entirely within the Jawbone Canyon Open Area designated for Intensive Use by the Jawbone-Butterbrecht ACEC Management Plan and the Western Mojave Management Plan (Record of Decision March 2006). Equipment will include a 5-yd³-capacity dump truck, a rubber-tired backhoe and a trailer-mounted portable screen unit. The placer claim is within roughly 1/10 mile of the Gold Canyon Road public outhouse. The area of this assessment is traversed by numerous motorcycle/off-highway-vehicle trails (see image attached).

The proposed bulk sampling sites are-

Site 1. Latitude 35.3182° N, Longitude -118.0773° W. Operator will excavate a trench no more than 5 feet wide, 20 feet long, 15 feet wide on previously disturbed ground, refilling before moving to the next site.

Site 2. Dropped from consideration.

Site 3. Latitude 35.3216° N, Longitude -118.0768° W. Operator will excavate a trench no more than 5 feet wide, 20 feet long, 15 feet deep on previously disturbed ground, refilling before leaving the site.

The operator's plan states that-

Approximately one cubic yard will be removed from each site.
No roads will be constructed.
All material testing will be done off-site.
Disturbed areas will be continuously reclaimed and holes refilled prior to moving to the next site.
Any disturbance of indigenous plant life will be replaced as required by BLM.
Desert Tortoise protection as required by BLM.
The operator expects both sites will be excavated and reclaimed the same day.

BLM-Required Measures for protection of public lands (from Proposed Action of the E.A.)

Performance Standards 43 CFR 3809.420 apply to all notice- and plan-level activities on public lands, and are included as an attachment to this Decision. BLM also has a set of standardized tortoise requirements derived from Biological Opinion(s) of the U.S. Fish & Wildlife Service, described in the environmental assessment and applicable if the action occurs in months when tortoise are typically active (i.e., March to October). Given these circumstances, the following measures must be followed to ensure protection of biological and other resources-

General Biological Stipulations:

1. Construction equipment and vehicles should be washed off prior to ingress onto BLM lands to minimize spread of invasive seeds
2. Any ground disturbance must occur in already denuded areas, free of vegetation and animal burrows. **If this is not possible, the area of new disturbance must be flagged, so that the biologist can survey it.**
3. Before and After Pictures must be taken by the proponent and submitted to the BLM Biologist.

Tortoise specific Stipulations (from Appendix C of environmental assessment DOI-BLM-CA-D050-2016-0006):

1.
 - a. The mine operator shall designate a field contact representative (FCR) who will be responsible for overseeing compliance with protective stipulations for the desert tortoise and for coordination on compliance with BLM. The FCR shall have the authority to halt all mining activities that are in violation of the stipulations. The FCR shall have a copy of all stipulations when work is being conducted on the site. The FCR may be the mine operator, the mine manager, any other mine employee, or a contracted biologist.
 - b. An employee education program must be received, reviewed, and approved by the BLM at least 15 days prior to the presentation of the program. The program may consist of a class or video presented by a qualified biologist (BLM or contracted) or a video. Wallet-sized cards with important information for workers to carry are recommended. All mine employees shall participate in the tortoise education program prior to initiation of mining activities. The operator is responsible for ensuring that the education program is developed and presented prior to conducting activities. New employees shall receive formal, approved training prior to working onsite. The program shall cover the following topics at a minimum:
 1. distribution of the desert tortoise,
 2. general behavior and ecology of the tortoise,

3. sensitivity to human activities,
 4. legal protection,
 5. penalties for violations of State or Federal laws,
 6. reporting requirements, and
 7. project protective mitigation measures.
- c. Only biologists authorized by the USFWS and the BLM shall handle desert tortoises. The BLM or mine operator shall submit the name(s) of the proposed authorized biologist(s) to the USFWS for review and approval at least 15 days prior to the onset of activities. No mining activities shall begin until an authorized biologist is approved. Authorization for handling shall be granted under the auspices of this Section 7 consultation.
 - d. The authorized biologist shall be required onsite during the initial construction activities. This biologist shall have authority from the operator to halt any action that might result in harm to a tortoise.
 - e. The area of disturbance shall be confined to the smallest practical area, considering topography, placement of facilities, location of burrows, public health and safety, and other limiting factors. Work area boundaries shall be delimited with flagging or other marking to minimize surface disturbance associated with vehicle straying. Special habitat features, such as burrows, identified by the qualified biologist shall be avoided to the extent possible. To the extent possible, previously disturbed areas within the mining site shall be utilized for the stockpiling of excavated materials, storage of equipment, digging of slurry pits, location of office trailers, and parking of vehicles. The qualified biologist, in consultation with the project proponent, shall ensure compliance with this measure.
 - f. Where practical, no access road shall be bladed for exploratory work. Cross-country access shall be the standard for temporary activities. For development activities, a short driveway (no more than 0.3 miles) from the nearest access road may be constructed if necessary. To the extent possible, access to the mine site shall be restricted to designated "open" routes of travel. A qualified biologist shall select and flag the access route, whether cross-country or bladed, to avoid burrows and to minimize disturbance of vegetation. Except when absolutely required by the operation and as explicitly stated in the plan of operations, cross-country vehicle use by mine employees is prohibited during work and non-work hours.
 - g. To prevent tortoises from falling in, test holes shall be either fenced or covered as much of the time as possible and at all times when not attended. (See also measure h, paragraph 2.)
 - h. For mine development where the mine site is in tortoise habitat, the entire site shall be enclosed within a tortoise-proof fence. The fence shall be constructed under the direction of a qualified biologist. The fence shall be located to avoid all tortoise burrows; to the extent possible, burrows shall be placed on the outside of the enclosure. The fence shall be constructed of 1/2 inch mesh hardware cloth. It shall extend 18 inches above ground and 12 inches below ground. Where burial of the fence is not possible, the lower 12 inches shall be folded outward against the ground and fastened to the ground so as to prevent tortoise entry. The fence shall be supported sufficiently to maintain its integrity. The gate at the mine entrance shall be tortoise-proof. This gate shall remain closed except for the immediate passage of vehicles. The fence shall be checked at least monthly and maintained when necessary by the mine operator to ensure its integrity.

For temporary activities, such as test hole drilling, a temporary fence shall be erected around the area of activity. The fencing shall be 1/2inch mesh hardware cloth supported by steel t-posts. The fencing shall be at least 18 inches high but need not be buried. Provisions shall be made for closing off the fence at the point of vehicle entry. Placement and erection of the fencing shall be approved and inspected by a qualified biologist. All tortoise-proof fencing shall be removed after site rehabilitation.

- i. After fence installation, the authorized biologist shall conduct a thorough survey for tortoises within the mine site. All tortoises found shall be marked and removed from the enclosure and placed outside the nearest fence. If the removal is during the season of aboveground activity, the tortoises shall be placed beside a nearby burrow of appropriate size. If the removal is not in the season of aboveground activity, the tortoise shall be moved (dug out of burrow if necessary) on a seasonably warm day and placed at the mouth of a nearby burrow of appropriate size. If the tortoise does not enter the burrow, an artificial burrow may be needed. The authorized biologist shall be allowed some judgment and discretion to ensure that survival of the tortoise is likely.
- j. Desert tortoises may be handled only by the authorized biologist and only when necessary. In handling desert tortoises, the authorized biologist shall follow the guidelines in the USFWS 2009 Field Manual.
- k. The authorized biologist shall maintain a record of all desert tortoises handled. This information shall include for each desert tortoise:
 - 1. the locations (narrative and maps) and dates of observations;
 - 2. general condition and health, including injuries and state of healing and whether animals voided their bladders;
 - 3. location moved from and location moved to;
 - 4. diagnostic markings (i.e., identification number &/or marked lateral scutes); and
 - 5. slide photographs of each handled desert tortoise as described in term and condition 1j.
- l. No later than 90 days after completion of construction or termination of exploration activities, the FCR and authorized biologist shall prepare a report for the Bureau. The report shall document the effectiveness and practicality of the mitigation measures, the number of desert tortoises excavated from burrows, the number of desert tortoises moved from the site, the number of desert tortoises killed or injured, and the specific information for each desert tortoise as described in measure 1. The report shall make recommendations for modifying the stipulations to enhance desert tortoise protection or to make it more workable for the operator. The report shall provide an estimate of the actual acreage disturbed by various aspects of the operation.
- m. Upon locating a dead or injured desert tortoise, the operator is to notify the Bureau. The Bureau must then notify the appropriate field office (Palm Springs) of the Service by telephone within three days of the finding. Written notification must be made within five days of the finding, both to the appropriate Service office and to the Service's Division of Law Enforcement in Torrance. The information provided must include the date and time of the finding or incident (if known), location of the carcass, a photograph, cause of death, if known, and other pertinent information. Desert tortoise remains shall be collected, delivered

to the Bureau, and frozen as soon as possible. Injured animals shall be transported to a qualified veterinarian for treatment at the expense of the project proponent. If an injured animal recovers, the Service should be contacted for final disposition of the animal.

- n. Except on county-maintained roads, vehicle speeds shall not exceed 20 miles per hour through desert tortoise habitat.
 - o. If it is necessary for a worker to park temporarily outside of the fenced enclosure, the worker shall inspect for desert tortoises under the vehicle prior to moving it. If a desert tortoise is present, the worker shall carefully move the vehicle only when necessary and when the desert tortoise would not be injured by moving the vehicle or shall wait for the desert tortoise to move out from under the vehicle.
 - p. All dogs shall be restrained either by enclosure in a kennel or by chaining to a point within the desert tortoise-proof enclosure.
 - q. All trash and food items shall be promptly contained within closed, raven-proof containers. These containers shall be regularly removed from the project site to reduce the attractiveness of the area to common ravens and other desert tortoise predators.
 - r. Structures that may function as common raven nesting or perching sites are not authorized except as specifically stated in the plan of operation or notice: The project proponent shall describe anticipated structures to the Bureau during initial project review.
 - s. At the end of the project, disturbed areas, including new access roads, shall be recontoured and reseeded with an appropriate mixture of native plant species according to Bureau specifications. After site rehabilitation, all desert tortoise-proof fence shall be removed.
 - t. Compensation for loss of habitat shall be required according to Bureau requirements. Current requirements are based on a formula presented in Recommendations for Management of the Desert Tortoise in the California Desert (Bureau 1988). For the purposes of this consultation, changes to the compensation formula must be reviewed and approved by the Service. The project proponent shall: 1) acquire the compensation lands and deliver the deed to the Bureau; 2) provide adequate funds, to be determined by the Bureau, to the Bureau for the acquisition of compensation lands or for other activities approved by the Service; or 3) make permanent improvements to desert tortoise habitat upon agreement of the Service and the Bureau. Lands to be acquired must be within Category I or II of the same desert tortoise management unit. The mine operator shall work closely with the Bureau in selecting the lands most benefitting the conservation and recovery efforts. Compensation requirements shall be met prior to mining activities.
2. The Bureau shall determine whether explosives would be used during any small mining operation covered by this biological opinion. If explosives are to be used, the Bureau's Resource Area biologist shall verbally consult with the staff from the appropriate Service office to determine what measures need to be undertaken to reduce the potential to take desert tortoises. These measures, which the Bureau shall ensure are implemented by the applicant, could include:
- a. seasonal restrictions upon the use of explosives;

- b. temporary removal of desert tortoises from areas potentially at risk during detonation from either directly from the explosion or by thrown materials. All handling and storage of desert tortoises for this purpose shall be conducted as described in term and condition 3 of this biological opinion;
 - c. covering of desert tortoise burrows to reduce impacts of flying materials; and
- 3. To the extent possible, mining activities shall be sited to avoid desert tortoise burrows. The authorized biologist, in consultation with the Bureau's Resource Area biologist shall assist in making such determinations, as the need arises.
- 4. The Bureau shall prepare an annual report summarizing the application of the stipulations covered under this consultation. The report, which shall be transmitted to the Service's Ventura Office, shall list and describe the:
 - a. take of animals in the form of death, injury, and relocation;
 - b. amount of habitat disturbed for the long term and short term;
 - c. locations of plans of operations and notices applicable; and
 - d. effectiveness and practicality of the mitigation measures.

Other Measures:

- 1. Should any fuel or equipment fluid spill during the course of activity, remove and dispose of affected dirt at an appropriate facility.
- 2. Operators shall not knowingly disturb, alter, injure, or destroy any scientifically important paleontological remains or any historical or archaeological site, structure, building or object on Federal lands. Operators shall immediately bring to the attention of the authorized officer any cultural and/or paleontological resources that might be altered or destroyed on Federal lands by his/her operations, and shall leave such discovery intact until told to proceed by the authorized officer.
- 3. Operations will be conducted so as to minimize interference with public recreational activities of the Jawbone Canyon Open Area, with all excavations safely refilled and landscaped before removing equipment from the site.

Monitoring

BLM staff will inspect the site to ensure compliance with operating and reclamation measures. Any inspection(s) will be documented in Plan of Operations case file CACA-56420.

Public Disclosure and Comments

Environmental Assessment DOI-BLM-CA-D050-2016-0006 was disclosed and comments requested at <http://www.blm.gov/ca/st/en/info/nepa.html>, https://eplanning.blm.gov/epl-front-office/projects/nepa/57023/67950/73994/PurpleSage_EA_final_ePlanning_post.docx. A notice for

comments was emailed to selected members of the public January 19, 2016. The 30-day public comment period closed 2/16/2016 (see <http://www.blm.gov/ca/forms/nepa/search.php?fo=Ridgecrest>).

1. One member of the public stated the E.A. adequately addresses potential impacts and mitigation measures. Response: Thank you.
2. The Desert Tortoise Council recommended that the tortoise protection measures listed in Appendix C of the E.A. should apply all months of the year, not merely the March-October active season, and that any operator should have a tortoise awareness briefing prior to commencing activities. Response: The measures of Appendix C apply since this operation is being approved and will occur during the tortoise active season. Tortoise educational materials will be included with, and their review made a condition of BLM's approval.
3. The Kern County Planning Department commented that the California Surface Mining and Reclamation Act (SMARA) includes all earth disturbance associated with mineral-related activities, including tire tracks, when considering the acreage of an operation. The California Public Resources Code provides that the California Surface Mining and Reclamation Act (SMARA) does not apply where prospecting operations remove less than 1,000 cubic yards in any one location, and the total surface disturbance is less than one acre. Response: Environmental assessment DOI-BLM-CA-D050-2016-0006 discloses that the complete volume of disturbance for the project totals considerably less than 1,000 cubic yards, and discloses that only a few hundred square feet will be impacted at each sampling site. The access involves existing trails with no new road construction. The Purple Sage Placer is 1320' across and is directly adjacent to the Gold Canyon and Jawbone Canyon roads. Given that any tractor or backhoe will have tracks less than 10' wide, all associated tracks will total less than 0.3 acres. This project falls below the size threshold for application of SMARA.

Rationale

The rationale for the Decision Record is supported by the Surface Management regulations 43 CFR 3809, FLPMA, and the Mining Law of 1872, as amended. The Project has been analyzed under the Council on Environmental Quality (CEQ) implementing regulations for NEPA (40 CFR 1500 *et seq.*) and determined not to involve unnecessary or undue degradation of public lands.

The implementation of the proposed action will allow the claimant ingress and egress to sample material at depth below the surface at two locations. The depth involved (several yards) makes it unreasonable to acquire the samples with hand tools alone. The action necessitated an environmental assessment because Surface Management regulations 43 CFR 3809 require the an authorized plan of operations for all operations greater than casual use within an Area of Critical

Environmental Concern. BLM's authorization of a plan is federal decision, and therefore subject to the National Environmental Policy Act.

The No Action Alternative was not selected because the proposed action described in environmental assessment DOI-BLM-CA-D050-2016-0006 did not result in unnecessary or undue degradation of the public lands.

Appeals

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and Form 1842-1 (attached). If an appeal is filed, your notice must be filed in the Ridgecrest Field Office, 300 South Richmond Road, Ridgecrest, CA 93555 within 30 days upon receipt or issuance of this decision. The appellant has the burden of showing that the decision appealed is in error.

If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, pursuant to regulation 43 CFR §4.21, the petition for stay must accompany your notice of appeal. A petition for stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR § 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- 1.) The relative harm to the parties if the stay is granted or denied.
- 2.) The likelihood of the appellant's success on the merits.
- 3.) The likelihood of immediate and irreparable harm if the stay is not granted.
- 4.) Whether or not the public interest favors granting the stay.



Carl Symons
Ridgecrest Field Manager

3/14/2016
Date



Area of the proposed action (from <http://tinyurl.com/hevno7f>, disclosed in Proposed Action of DOI-BLM-CA-D050-2016-0006).

From Surface Management Regulations 43 CFR 3809:

§ 3809.420 What performance standards apply to my notice or plan of operations?

The following performance standards apply to your notice or plan of operations:

(a) General performance standards —

(1) *Technology and practices.* You must use equipment, devices, and practices that will meet the performance standards of this subpart.

(2) *Sequence of operations.* You must avoid unnecessary impacts and facilitate reclamation by following a reasonable and customary mineral exploration, development, mining and reclamation sequence.

(3) *Land-use plans.* Consistent with the mining laws, your operations and post-mining land use must comply with the applicable BLM land-use plans and activity plans, and with coastal zone management plans under 16 U.S.C. 1451, as appropriate.

(4) *Mitigation.* You must take mitigation measures specified by BLM to protect public lands.

(5) *Concurrent reclamation.* You must initiate and complete reclamation at the earliest economically and technically feasible time on those portions of the disturbed area that you will not disturb further.

(6) *Compliance with other laws.* You must conduct all operations in a manner that complies with all pertinent Federal and state laws.

(b) Specific standards —

(1) *Access routes.* Access routes shall be planned for only the minimum width needed for operations and shall follow natural contours, where practicable to minimize cut and fill. When the construction of access routes involves slopes that require cuts on the inside edge in excess of 3 feet, the operator may be required to consult with the authorized officer concerning the most appropriate location of the access route prior to commencing operations. An operator is entitled to access to his operations consistent with provisions of the mining laws. Where a notice or a plan of operations is required, it shall specify the location of access routes for operations and other conditions necessary to prevent unnecessary or undue degradation. The authorized officer may require the operator to use existing roads to minimize the number of access routes, and, if practicable, to construct access roads within a designated transportation or utility corridor. When commercial hauling is involved and the use of an existing road is required, the authorized officer may require the operator to make appropriate arrangements for use and maintenance.

(2) *Mining wastes.* All tailings, dumps, deleterious materials or substances, and other waste produced by the operations shall be disposed of so as to prevent unnecessary or undue degradation and in accordance with applicable Federal and state Laws.

(3) *Reclamation.*

(i) At the earliest feasible time, the operator shall reclaim the area disturbed, except to the extent necessary to preserve evidence of mineralization, by taking reasonable measures to prevent or control on-site and off-site damage of the Federal lands.

(ii) Reclamation shall include, but shall not be limited to:

(A) Saving of topsoil for final application after reshaping of disturbed areas have been completed;

(B) Measures to control erosion, landslides, and water runoff;

(C) Measures to isolate, remove, or control toxic materials;

(D) Reshaping the area disturbed, application of the topsoil, and revegetation of disturbed areas, where reasonably practicable; and

(E) Rehabilitation of fisheries and wildlife habitat.

(iii) When reclamation of the disturbed area has been completed, except to the extent necessary to preserve evidence of mineralization, the authorized officer shall be notified so that an inspection of the area can be made.

(4) *Air quality.* All operators shall comply with applicable Federal and state air quality standards, including the Clean Air Act (42 U.S.C. 1857 *et seq.*).

(5) *Water quality.* All operators shall comply with applicable Federal and state water quality standards, including the Federal Water Pollution Control Act, as amended (30 U.S.C. 1151 *et seq.*).

(6) *Solid wastes.* All operators shall comply with applicable Federal and state standards for the disposal and treatment of solid wastes, including regulations issued pursuant to the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act (42 U.S.C. 6901 *et seq.*). All garbage, refuse or waste shall either be removed from the affected lands or disposed of or treated to minimize, so far as is practicable, its impact on the lands.

(7) *Fisheries, wildlife and plant habitat.* The operator shall take such action as may be needed to prevent adverse impacts to threatened or endangered species, and their habitat which may be affected by operations.

(8) *Cultural and paleontological resources.*

(i) Operators shall not knowingly disturb, alter, injure, or destroy any scientifically important paleontological remains or any historical or archaeological site, structure, building or object on Federal lands.

(ii) Operators shall immediately bring to the attention of the authorized officer any cultural and/or paleontological resources that might be altered or destroyed on Federal lands by his/her operations, and shall leave such discovery intact until told to proceed by the authorized officer. The authorized officer shall evaluate the discoveries brought to his/her

attention, take action to protect or remove the resource, and allow operations to proceed within 10 working days after notification to the authorized officer of such discovery.

(iii) The Federal Government shall have the responsibility and bear the cost of investigations and salvage of cultural and paleontology values discovered after a plan of operations has been approved, or where a plan is not involved.

(9) *Protection of survey monuments.* To the extent practicable, all operators shall protect all survey monuments, witness corners, reference monuments, bearing trees and line trees against unnecessary or undue destruction, obliteration or damage. If, in the course of operations, any monuments, corners, or accessories are destroyed, obliterated, or damaged by such operations, the operator shall immediately report the matter to the authorized officer. The authorized officer shall prescribe, in writing, the requirements for the restoration or reestablishment of monuments, corners, bearing and line trees.

(10) *Fire.* The operator shall comply with all applicable Federal and state fire laws and regulations, and shall take all reasonable measures to prevent and suppress fires in the area of operations.

(11) *Acid-forming, toxic, or other deleterious materials.* You must incorporate identification, handling, and placement of potentially acid-forming, toxic or other deleterious materials into your operations, facility design, reclamation, and environmental monitoring programs to minimize the formation and impacts of acidic, alkaline, metal-bearing, or other deleterious leachate, including the following:

(i) You must handle, place, or treat potentially acid-forming, toxic, or other deleterious materials in a manner that minimizes the likelihood of acid formation and toxic and other deleterious leachate generation (source control);

(ii) If you cannot prevent the formation of acid, toxic, or other deleterious drainage, you must minimize uncontrolled migration of leachate; and

(iii) You must capture and treat acid drainage, or other undesirable effluent, to the applicable standard if source controls and migration controls do not prove effective. You are responsible for any costs associated with water treatment or facility maintenance after project closure. Long-term, or post-mining, effluent capture and treatment are not acceptable substitutes for source and migration control, and you may rely on them only after all reasonable source and migration control methods have been employed.

(12) *Leaching operations and impoundments.*

(i) You must design, construct, and operate all leach pads, tailings impoundments, ponds, and solution-holding facilities according to standard engineering practices to achieve and maintain stability and facilitate reclamation.

(ii) You must construct a low-permeability liner or containment system that will minimize the release of leaching solutions to the environment. You must monitor to detect potential releases of contaminants from heaps, process ponds, tailings impoundments, and other structures and remediate environmental impacts if leakage occurs.

(iii) You must design, construct, and operate cyanide or other leaching facilities and impoundments to contain precipitation from the local 100-year, 24-hour storm event in addition to the maximum process solution inventory. Your design must also include allowances for snowmelt events and draindown from heaps during power outages in the design.

(iv) You must construct a secondary containment system around vats, tanks, or recovery circuits adequate to prevent the release of toxic solutions to the environment in the event of primary containment failure.

(v) You must exclude access by the public, wildlife, or livestock to solution containment and transfer structures that contain lethal levels of cyanide or other solutions.

(vi) During closure and at final reclamation, you must detoxify leaching solutions and heaps and manage tailings or other process waste to minimize impacts to the environment from contact with toxic materials or leachate. Acceptable practices to detoxify solutions and materials include natural degradation, rinsing, chemical treatment, or equally successful alternative methods. Upon completion of reclamation, all materials and discharges must meet applicable standards.

(vii) In cases of temporary or seasonal closure, you must provide adequate maintenance, monitoring, security, and financial guarantee, and BLM may require you to detoxify process solutions.

(13) *Maintenance and public safety.* During all operations, the operator shall maintain his or her structures, equipment, and other facilities in a safe and orderly manner. Hazardous sites or conditions resulting from operations shall be marked by signs, fenced, or otherwise identified to alert the public in accordance with applicable Federal and state laws and regulations.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,
- AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

1. NOTICE OF APPEAL.....	A person who wishes to appeal to the Interior Board of Land Appeals must file in the office of the officer who made the decision (not the Interior Board of Land Appeals) a notice that he wishes to appeal. A person served with the decision being appealed must transmit the <i>Notice of Appeal</i> in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a <i>Notice of Appeal</i> in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).
2. WHERE TO FILE NOTICE OF APPEAL..... WITH COPY TO SOLICITOR...	RIDGECREST FIELD MANAGER RIDGECREST FIELD OFFICE 300 SOUTH RICHMOND ROAD RIDGECREST, CA 93555 U.S. DEPARTMENT OF THE INTERIOR, OFFICE OF THE SOLICITOR PACIFIC SOUTHWEST REGION 2800 COTTAGE WAY, ROOM E-2753 SACRAMENTO, CA 95825-1890
3. STATEMENT OF REASONS WITH COPY TO SOLICITOR.....	Within 30 days after filing the <i>Notice of Appeal</i> , file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the <i>Notice of Appeal</i> , no additional statement is necessary (43 CFR 4.412 and 4.413). U.S. DEPARTMENT OF THE INTERIOR, OFFICE OF THE SOLICITOR PACIFIC SOUTHWEST REGION 2800 COTTAGE WAY, ROOM E-2753 SACRAMENTO, CA 95825-1890
4. ADVERSE PARTIES.....	Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the <i>Notice of Appeal</i> , (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413).
5. PROOF OF SERVICE.....	Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)).
6. REQUEST FOR STAY.....	Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a <i>Notice of Appeal</i> (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your <i>Notice of Appeal</i> (43 CFR 4.21 or 43 CFR 2801.10 or 43 CFR 2881.10). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the <i>Notice of Appeal</i> and Petition for a Stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. Standards for Obtaining a Stay. Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) the relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of immediate and irreparable harm if the stay is not granted, and (4) whether the public interest favors granting the stay.

Unless these procedures are followed, your appeal will be subject to dismissal (43 CFR 4.402). Be certain that all communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, Subpart B for general rules relating to procedures and practice involving appeals.

43 CFR SUBPART 1821--GENERAL INFORMATION

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Washington, D.C. and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

STATE OFFICES AND AREAS OF JURISDICTION:

Alaska State Office ----- Alaska
Arizona State Office ----- Arizona
California State Office ----- California
Colorado State Office ----- Colorado
Eastern States Office ----- Arkansas, Iowa, Louisiana, Minnesota, Missouri
and, all States east of the Mississippi River
Idaho State Office ----- Idaho
Montana State Office ----- Montana, North Dakota and South Dakota
Nevada State Office ----- Nevada
New Mexico State Office ---- New Mexico, Kansas, Oklahoma and Texas
Oregon State Office ----- Oregon and Washington
Utah State Office ----- Utah
Wyoming State Office ----- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Washington Office, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240.

(Form 1842-1, September 2006)